

**IN THE UNITED STATES DISTRICT  
COURT FOR THE  
MIDDLE DISTRICT OF GEORGIA  
COLUMBUS DIVISION**

**MOUSSA DIARRA,**

**Plaintiff,**

**VS.**

**DEPARTMENT OF HEALTH  
AND HUMAN SERVICES; *et al.*,**

**Defendants.**

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**NO. 4:21-CV-116-CDL-MSH**

**ORDER**

Petitioner Moussa Diarra, a pretrial detainee in the Dekalb County Jail in Atlanta, Georgia, filed a petition for mandamus. ECF No. 1. He also moved to proceed *in forma pauperis*. ECF No. 2. On July 12, 2021, the Court granted his motion to proceed *in forma pauperis* and ordered him to recast his petition. ECF No. 4. The Court explained the deficiencies in Plaintiff’s original petition and provided instructions regarding how to proceed with his recast petition. *Id.* at 3-4. The Court gave Petitioner fourteen days to file his recast petition and specifically informed him that failure to do so would result in dismissal of his action. *Id.* at 4. On August 11, 2021, Petitioner moved for an extension of time to file a recast petition. ECF No. 10. On August 20, 2021, the Court granted Petitioner’s motion for an extension and gave him an additional fourteen days to file a recast petition. ECF No. 11. The Court specifically informed Petitioner that it would give no additional extensions or allow any “additional opportunities to comply

with the July 12, 2021 Order and file a recast petition.” *Id.* at 1. Finally, Petitioner was informed that should he fail to timely file a recast petition, his action would be dismissed. *Id.*

Petitioner has not filed a recast petition. Due to Petitioner’s failure to follow the Court’s Order and prosecute this action, the case is hereby **DISMISSED WITHOUT PREJUDICE**. Fed. R. Civ. P. 41(b); *Brown v. Tallahassee Police Dep’t*, 205 F. App’x 802, 802 (11th Cir. 2006) (citing Fed. R. Civ. P. 41(b) and *Lopez v. Aransas Ctny. Indep. Sch. Dist.*, 570 F.2d 541, 544 (5th Cir. 1978)) (holding the court may dismiss an action sua sponte under Rule 41(b) for failure to prosecute or failure to obey a court order); *Gormley v. Nix*, No. 04-12374, 2005 WL 2090282, at \*4 (11th Cir. Aug. 31, 2005) (citing *Wilson v. Sargent*, 313 F.3d 1315 (11th Cir. 2002)) (finding that the district court had no “obligation to inquire regarding an inmate’s attempts to comply with a court order” to submit a required form).

**SO ORDERED**, this **22nd** day of **September 2021**.

S/Clay D. Land  
CLAY D. LAND  
U.S. DISTRICT COURT JUDGE  
MIDDLE DISTRICT OF GEORGIA